

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 1-14 are pending in the application. The Applicants have amended claims 1 and 8. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by Mousley, et al. (US 2002/0049057 A1). The Applicants have amended the claims to better distinguish the claimed invention from Mousley. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended to distinguish the claimed invention from Mousley. Claim 1 now recites that when the reference cell is removed from the active set, a virtual reference cell defines a timing defined with reference to one of the cells remaining in the active set, such that the timing of the virtual reference cell corresponds to the timing of the previous reference cell.

The Examiner stated that Mousley discloses that when the reference cell is removed from the active set, a method is disclosed which defines a virtual reference cell, the timing of which is defined with reference to one or more of the cells remaining in the active set. However, in the present invention, the timing of the reference cell is initially not changed. The virtual cell is placed exactly where the former reference cell was placed, but the timing is defined as an offset relative to one of the cells in the active set. Claim 1 provides the limitation of "the timing of which is defined with reference to one of the cells remaining in the active set, such that the timing of the virtual reference cell corresponds to the timing of the previous reference cell."

A primary advantage of the present invention is to minimize the number of timing updates. That offset is not disclosed in Mousley. The Examiner cites paragraphs 0005, 0030, 0031, 0045, 0052, and 0071 of Mousley to disclose the Applicants' claimed invention. However, the Applicants disagree with this characterization. Mousley

merely discloses that the virtual cell is placed at the first cell + tau, depending on the timing spread of the average of the cells, and not a single cell in the active set.

In addition, the Examiner refers to paragraph 0045 of Mousley as disclosing that the uplink transmission frame timing is relative to the timing of the virtual reference cell. Mousley gives several examples of calculating tau, but none of the examples and nothing in the entire specification of Mousley discloses utilizing one cell to calculate the timing.

In paragraph 3 of the Office Action, the Examiner further explains that "In combination with Mousley discloses using one received path, the limitation "or more" suggests that the virtual reference cell can be defined by more than one cell. The prior art teaches that tau can be calculated from the first BS in the active set and each of the significant paths of all BSs in the active set." The Applicants have amended claim 1 to reference only one of the cells and not a plurality of cells as disclosed in Mousley.

Claims 2-7 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 1-7 is respectfully requested.

In regards to claim 8, claim 8 has also been amended to distinguish the claimed invention from Mousley. Claim 8 now recites that when the reference cell is removed from the active set, a virtual reference cell defines a timing defined with reference to one of the cells remaining in the active set, such that the timing of the virtual reference cell corresponds to the timing of the previous reference cell.

The Examiner stated that Mousley discloses that when the reference cell is removed from the active set, a method is disclosed which defines a virtual reference cell, the timing of which is defined with reference to one or more of the cells remaining in the active set. However, in the present invention, the timing of the reference cell is initially not changed. The virtual cell is placed exactly where the former reference cell was placed, but the timing is defined as an offset relative to one of the cells in the active set. In a similar manner as explained above, claim 8 provides the limitation of "the timing of which is defined with reference to one of the cells remaining in the active set, such that the timing of the virtual reference cell corresponds to the timing of the previous reference cell."

A primary advantage of the present invention is to minimize the number of timing updates. That offset is not disclosed in Mousley. The Examiner cites paragraphs 0005, 0030, 0031, 0045, 0052, and 0071 of Mousley to disclose the Applicants' claimed invention. However, the Applicants disagree with this characterization. Mousley merely discloses that the virtual cell is placed at the first cell + tau, depending on the timing spread of the average of the cells, and not a single cell in the active set.

In addition, the Examiner refers to paragraph 0045 of Mousley as disclosing that the uplink transmission frame timing is relative to the timing of the virtual reference cell. Mousley gives several examples of calculating tau, but none of the examples and nothing in the entire specification of Mousley discloses utilizing one cell to calculate the timing.

In paragraph 3 of the Office Action, the Examiner further explains that "In combination with Mousley discloses using one received path, the limitation "or more" suggests that the virtual reference cell can be defined by more than one cell. The prior art teaches that tau can be calculated from the first BS in the active set and each of the significant paths of all BSs in the active set." The Applicants have amended claim 1 for referencing only one of the cells and not a plurality of cells as disclosed in Mousley.

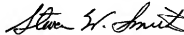
Claims 9-14 depend from amended claim 8 and recite further limitations in combination with the novel elements of claim 8. Therefore, the allowance of claims 8-14 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-14.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith
Registration No. 36,684

Date: October 18, 2006

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-1572
steve.xl.smith@ericsson.com